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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,925	06/08/2001	Theodore George Diamond	PU010085	9097

7590

02/23/2004

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EXAMINER
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WU, YICUN

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

09/876,925

Applicant(s)

DIAMOND ET AL.

Examiner

Yicun Wu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

DIANE D. WZRAH  
PRIMARY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.7.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

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### III. DETAILED ACTION

1. Claims 1-18 are presented for examination.

#### Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eberman et al. (U.S. Patent 6,173,584, 468) in view of Gabriel et al. (U.S. Patent 6,584,468).

As to Claims 1, 8 and 13, Eberman et al. discloses a method for ranking, relevancy of search results of a search for media on communication network, the method comprising the steps of:

metadata associated with the media (Eberman et al. col. 2, lines 46-59), each category of metadata comprising at least one set of metadata assigning at least one weight to each set of metadata (Eberman et al. col. 21, lines 35-67), wherein a value of each weight is determined in accordance with a content of each set of metadata (Eberman et al. col. 2, lines 46-59); and

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calculating a score for ranking the relevancy of each search result, wherein a score is calculated for each search result in accordance with the at least one assigned weight and category of each set of metadata (Eberman et al. col. 21, lines 35-67).

Eberman et al. does not teach categorizing metadata.

Gabriel et al. teaches categorizing metadata (Gabriel et al. col. 5, line 63- col. 6, line 67).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Eberman et al. with categorizing metadata.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Eberman et al. by the teaching of Gabriel et al. because providing categorizing metadata allows more efficient and effective way to catalog or index specialized information as taught by Gabriel et al. (line 2, lines 25-28).

As to Claims 2, 9 and 14, Eberman et al. as modified teaches a method wherein the category comprises at least one of artist of the media, type of media, date the media was created (well known in the art, and creation location of the media (Gabriel et al. col. 5, line 63- col. 6, line 67)).

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As to Claims 3, 10 and 15, Eberman et al. as modified teaches a method wherein

the value of each weight is determined in accordance with at least one of bit rate of the media (Eberman et al. col. 21, lines 35-67 and col. 10, lines 1-4), duration of the media, sampling rate of the media, a number of occurrences of a term in a set of metadata, a number of links to a referenced web site in a set of metadata, a file type of the media, and a number of terms occurring between specified query terms in a web page (Eberman et al. col. 21, lines 35-67).

As to Claims 4, 11 and 16, Eberman et al. as modified teaches a method wherein the at least one set of metadata is categorized in accordance with predetermined associations between the categories and the sets of metadata (Gabriel et al. col. 5, line 63- col. 6, line 67).

As to Claims 5, 12 and 17, Eberman et al. as modified teaches a method wherein the metadata comprise elements related to at least one of content of the media, intellectual property rights (intellectual property rights is well known in the art)

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associated with the media, and instantiation of the media  
(Gabriel et al. col. 5, line 63- col. 6, line 67).

As to Claim 6, Eberman et al. as modified teaches a method wherein the media comprises at least one of multimedia and streaming media (Eberman et al. col. 11, lines 45-67).

As to Claims 7, Eberman et al. as modified teaches a method wherein the communications network is a computer network (Eberman et al. Fig. 1a).

4. As to claim 18, the limitations of this claim have been noted in the rejection above. It is therefore rejected as set forth above.

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Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yicun Wu whose telephone number is 703-305-4889. The examiner can normally be reached on 8:00 am to 4:30 pm, Monday -Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Yicun Wu  
Patent Examiner  
Technology Center 2100

February 18, 2004

DIANE D. MIZRAHI  
PRIMARY PATENT EXAMINER  
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